

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter Goodwin, et al.

Serial No. : TBD

Art Unit:

Filed :

Examiner:

For : AN ASSEMBLY FOR USE IN ORTHOPAEDIC SURGERY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 25, 2006

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

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(Signature)

January 25, 2006

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.L./

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☐ There are no listed references which are not in the English language.

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APR 19 2006  
PCT/PTO 27 JAN 2006


☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5062/BST. This form is submitted in triplicate.

Respectfully submitted,

  
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Brian S. Tomko  
Reg. No. 41,349  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1479  
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SUBMISSION UNDER MPEP 609 D	Application Number	
	Filing Date	
	First Named Inventor	P. Goodwin, et al.
	Group Art Unit	
	Examiner Name	
Page 1 of 1	Attorney Docket Number	DEP5062

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	U.S. Patent Document		Pages, Columns, Lines, where relevant passages or relevant figures appear
			Number	Kind Code <sup>2</sup> (if known)	
		Lechot	US 5658290	A	
		Bresler, et al.	US 6102915	A	
		Weigand, et al.	US 4023572	A	
		Lechot Andr Eacute	US 6264647	A	
		Hutchinson, et al.	US 5018266	A	
		Friesinger, et al.	US 4906147	A	
		Salyer, et al.	US 2002/099380	A1	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>1</sup>
			Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>		
		Othy, Inc.		EP 1066796	A1		
		Precifar SA		EP 0782840	A		
					A		
					A		
					A		
					A		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials <sup>6</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		PCT Written Opinion, 6 pages	
		International Search Report, 5 pages	
		UK Search Report dated 26 Aug 2003, 3 pages	
		International Preliminary Report on Patentability dated 6 March 2005, 5 pages	

Examiner Signature	/Matthew Lawson/	Date Considered	01/13/2009
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